

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
Civil Action No. 3:25-CV-00102-UJ1-WCM**

FS MEDICAL SUPPLIES, LLC,

Plaintiff,

v.

TANNERGAP, INC. *et al.*,

Defendants.

**DEFENDANTS' CONSENT MOTION
FOR EXTENSION OF TIME TO
REPLY TO PLAINTIFF'S OMNIBUS
MEMORANDUM IN OPPOSITION
TO DEFENDANTS' MOTIONS TO
DISMISS AND FOR JUDGMENT ON
THE PLEADINGS**

Pursuant to Federal Rule of Civil Procedure 6(b) and Local Civil Rule 7.1, Defendants TannerGAP, Inc., Tanner Pharma UK Limited, Raymond Fairbanks Bourne, and Mary Everett Whitehurst Bourne (collectively, the "Defendants") move this Court to extend the deadline for Defendants to file and serve Reply Briefs in response to Plaintiff's Omnibus Memorandum in Opposition to Defendants' Motions to Dismiss and for Judgment on the Pleadings (the "Opposition Brief") [ECF 37]. Defendants seek an extension of eight (8) days, up to and including April 25, 2025.

In support of this Motion, Defendants state as follows:

1. On April 10, 2025, Plaintiff filed its Opposition Brief. ECF No. 37. In the Opposition Brief, Plaintiff addressed three pending motions filed by Defendants: (a) a jointly filed Motion to Dismiss this action for lack of subject matter jurisdiction [ECF 26], (b) a Motion to Dismiss filed by the Tanner Defendants pursuant to Fed.

R. Civ. P. 12(b)(6) [ECF 28], and (c) a Motion for Judgment on the Pleadings filed by the Bourne Defendants pursuant to Fed. R. Civ. P. 12(c) [ECF 30].

2. Defendants' Reply Briefs are due on April 17, 2025; therefore, the time originally prescribed for Defendants to file and serve their Reply Briefs has not expired.

3. In light of commitments and deadlines in other cases and the volume and complexity of the legal issues presented in Plaintiff's Opposition Brief, Defendants need an extension of time to prepare their Reply Briefs.

4. There have been no previous requests for an extension of time for Defendants to file and serve their Reply Briefs.

5. The requested extension to submit Reply Briefs will not adversely impact any other scheduled dates or deadlines.

6. This Motion is made in good faith and not for the purpose of delay. No party to this proceeding will be prejudiced, and good cause exists for granting this Motion.

7. Counsel for the Defendants has conferred with counsel for Plaintiff, who have consented to the requested extension of time.

WHEREFORE, Defendants respectfully request that this Court enter an Order granting Defendants an eight (8) day extension of time, through and including April 25, 2025, to file and serve their reply briefing to Plaintiff's Opposition Brief.

This the 14th day of April, 2025.

McGUIREWOODS LLP

By: /s/ Bradley R. Kutrow

Bradley R. Kutrow
N.C. State Bar No. 13851
Brian A. Kahn
N.C. State Bar No. 29291
Jessica O'Brien Peretz
N.C. State Bar No. 56679

201 North Tryon Street, Suite 3000
Charlotte, NC 28202-2146
Telephone: (704) 343-2049
Facsimile: (704) 343-2300
bkutrow@mcguirewoods.com
bkahn@mcguirewoods.com
jperetz@mcguirewoods.com

Mark E. Anderson
N.C. State Bar No. 15764
501 Fayetteville Street, Suite 500
Raleigh, NC 27601
Telephone: (919) 755-6678
Facsimile: (919) 755-6699
manderson@mcguirewoods.com

Anne Doherty
N.C. State Bar No. 55494
Gateway Plaza
800 East Canal Street
Richmond, VA 23219
Telephone: (804) 775-7633
Facsimile: (804) 775-1061
adoherty@mcguirewoods.com

*Counsel for Defendants TannerGAP,
Inc. and Tanner Pharma UK Limited*

ROBINSON, BRADSHAW & HINSON, P.A.

By: /s/ Robert W. Fuller

Robert W. Fuller
N.C. Bar No. 10887
Amanda P. Nitto
N.C. Bar No. 45158
Anna Claire Tucker
N.C. Bar No. 59457

600 S. Tryon Street, Ste. 2300
Charlotte, North Carolina 28202
Telephone: 704.377.2536
Facsimile: 704.378.4000
rfuller@robinsonbradshaw.com
anitto@robinsonbradshaw.com
atucker@robinsonbradshaw.com

*Counsel for Defendants Raymond
Fairbanks Bourne and Mary Everett
Whitehurst Bourne*